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## Bylaws of the Selawik Parents Committee [first draft]

Stephen Conn

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### ***Suggested citation***

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### ***Summary***

These bylaws were drafted on behalf of the Selawik Parent's Committee in the City of Selawik. The Selawik Parent's Committee was formed to work with Selawik children who have broken city or state laws, children in need of aid, and the parents and guardians of such children, seeking to avoid the more extreme remedies of detention (for delinquents) and removal from the home (in cases of children in need of aid) by working out solutions to juvenile and family problems at the village level drawing on the tradition of the elders..

BYLAWS OF THE SELAWIK PARENTS COMMITTEE

Prepared for the  
City of  
Selawik, Alaska

by

Stephen Conn, Esq.

Justice Center  
University of Alaska, Anchorage

JC 8403

June 1985

(First Draft)

BYLAWS OF THE SELAWIK PARENT'S COMMITTEE

I. PURPOSE

The Selawik Parent's Committee has been formed to work with Selawik children who have broken the law of the city or state and children in need of aid along with parents and guardians of such children. The Parent's Committee operates under the authority of the Division of Family and Youth Services and the City of Selawik where matters of law violation are concerned. It operates under the authority of the Selawik Native Tribe and the Indian Child Welfare Act when children are in need of aid. It seeks to avoid the more extreme remedies of detention (for delinquents) and removal from the home (in cases of children in need of aid) by higher authorities by working out solutions to juvenile and family problems at the village level. To accomplish this work, the Committee will draw on the tradition of the elders who have counseled younger parents and their children for many generations with or without official state or tribal authority.

II. COMPOSITION AND MEANS OF APPOINTMENT

At an annual meeting of parents of the Selawik community, nine adults who represent unofficially institutions and families in the community will be asked to volunteer their service for one year to the Parent's Committee. The first such meeting was held on March 1, 1985 and nine persons were appointed.

The presiding officer or chairperson of the Parent's Committee will be selected by the Committee by majority vote. She or he will:

1. call meetings;
2. appoint a committee member to meet privately with parents or children in the step preliminary to calling a full committee meeting; and
3. maintain necessary contacts with Youth Services Officer Ida Hadley, and officials of the Selawik Native Tribe.

The secretary of the Parent's Committee will be selected from among community members as a tenth member. She or he will be a non-voting member of the Committee. She or he will:

1. maintain contact with police;
2. keep files of problems;
3. keep minutes and make copies of documents and minutes for Ida Hadley;
4. contact the chairperson when police inform her of a second offense by a juvenile;
5. prepare notices of minutes; and
6. take minutes.

### III. MEETINGS - QUORUM AND SELECTION OF COMMITTEE PARTICIPANTS

Meetings of the Selawik Parent's Committee shall be confidential. This means that only persons on the Committee, children and parents/guardians or those that children or guardian

desire to attend shall be present for the entire meeting.

Witnesses will be brought into the meeting room to testify, but will then be asked to leave.

For purposes of committee meetings, five voting members shall constitute a quorum. Decisions will be made by majority vote.

Should either the child or his parent/guardian desire that one or more persons not confer with them, they shall have an opportunity to ask that these persons not sit with the committee. Should a committee member feel that she or he would injure a close familial or village relationship by sitting on a particular case, she or he should tell the chairperson in time sufficient to have her pick a substitute to assure that a quorum is present. In no case should a committee member sit if his or her family has been a victim of the alleged law violation.

#### IV. PROCEDURE

The committee sessions are not trials. Their purpose is not to gather evidence or to prove guilt or innocence, but to determine how the committee might assist in improving the child's behavior and in assisting the parent-child relationship.

##### Invitation to attend committee meetings.

When a child has been involved in more than two instances of law violation or misbehavior, the committee should issue him and his parent or guardian an invitation to attend a meeting where his behavior will be discussed. This notice should provide

those receiving it with a clear description of what will be discussed. The parent or guardian should be entitled to review any police reports or other documents bearing upon the problem prior to the meeting. The notice should indicate in the case of matters of alleged law violation that the meeting is voluntary. It should indicate, however, that the committee will pass the problem to Ida Hadley, Youth Services Officer, for her appraisal if the children or parent refuse to attend the meeting. It should also state that no detention of juveniles will occur as a result of the meeting. Problems that suggest the need for emergency detention should be taken to the magistrate by police authorities.

#### Statement of Rights

Both the child and parent will review a written statement of their rights. This statement should be signed with a copy kept in the problem file.

Children and parents/guardians may ask questions of all witnesses' information brought before the committee and may call witnesses to speak on their behalf and provide written information to it. Committee members may ask questions.

After all information has been "laid on the table," the committee members will retire to executive session to discuss various courses of action. After the executive session, the child and his or her parent/guardian will be called back into the room and an attempt will be made to find a compromise solution to the problems discussed.

Any arrangement between the committee and the child and parents will be put into writing and signed by child, parent and committee chairperson.

Possible Outcomes

Outcomes may not include detention. It is anticipated that they will range from promises to obey all laws and to refrain from drinking to plans to pay back victims and to undertake work programs.

SELAWIK PARENT'S COMMITTEE

COMMUNITY WORK SERVICE CONTRACT

Between \_\_\_\_\_ and the Selawik Parent's Committee

Total Community Work Service hours: \_\_\_\_\_

Date to begin hours: \_\_\_\_\_

Hours per week/month: \_\_\_\_\_

Approximate ending date: \_\_\_\_\_

Work Assigned: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Contact Person/Supervisor \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

I understand that the following rules must be followed  
when I am working under this agreement:

1. I must work the hours I have been scheduled to work and I  
will not leave work prior to the completion of my hours. If  
I cannot work when I am supposed to, I will contact my super-  
visor or the Chairperson of the Selawik Parent's Committee  
\_\_\_\_\_ prior to my scheduled hours.
2. I will not bring any friends with me when I am working.
3. If I need to find some other kind of work, I will contact my  
supervisor or the Chairperson of the Selawik Parent's  
Committee.
4. I will work at this job in the same way and with the same  
seriousness that I would work at any other job. I will  
follow all the rules of my employer.



I understand that failure to follow these rules, or to complete my community work service hours, will be reported to the Selawik Parent's Committee and may be reported to Youth Services Officer Ida Hadley. I also realize that it may result in further action by the Parent's Committee or by Youth Services Officer Hadley.

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Youth-Client

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Chairperson,  
Selawik Parent's Committee

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Parent or Guardian

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Intake Officer (if informal  
adjudication)

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Date

SELAWIK PARENT'S COMMITTEE

THE SELAWIK WORD PROGRAM

The Selawik Parent's Committee discussed the problems of \_\_\_\_\_, a minor of this city and \_\_\_\_\_ his parent/guardian.

By signing this paper \_\_\_\_\_ and his parent/guardian, \_\_\_\_\_ give their word that his/her behavior will change in the following ways:

- 1.
- 2.
- 3.

In addition, he promises to act in the following ways:

- 1.
- 2.
- 3.

\_\_\_\_\_ and his parent \_\_\_\_\_ understand that failure to live up to this agreement will be reported to Youth Services Officer Ida Hadley of Kotzebue who will decide what will happen in his case.

Signed \_\_\_\_\_ Youth-Client \_\_\_\_\_ Selawik Parent's Committee

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

SELAWIK PARENT'S COMMITTEE  
RESTITUTION AGREEMENT

Between \_\_\_\_\_ and the Selawik Parent's  
Committee.

Restitution means to pay someone back for what you have  
done to them or to their property.

Amount of money to be paid to \_\_\_\_\_ is \_\_\_\_\_ (in  
total).

This money will be paid to \_\_\_\_\_ of the Selawik  
Parent's Committee who will keep records and turn it over to  
\_\_\_\_\_.

Date to start payment \_\_\_\_\_.

Amount per week/month \_\_\_\_\_.

Approximate ending date \_\_\_\_\_.

COMMENTS:

The following rules will apply:

If I cannot make the payment when due I will contact  
\_\_\_\_\_ of the Selawik Parent's Committee prior to the  
due date of the payment.

I understand that personal checks will not be accepted.

I understand that failure to follow these rules or to  
complete my restitution obligations will result in further action  
by the Selawik Parent's Committee and possible reports to Youth  
Services Officer Ida Hadley.

\_\_\_\_\_  
Youth-Client

\_\_\_\_\_  
Chairperson  
Selawik Parent's Committee

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Intake Officer (if part of informal  
ajudication)

\_\_\_\_\_  
Date

## POLICE - JUVENILE INFORMATION SHEET

1. Name of Juvenile
2. Date of Birth
3. Social Security Number
4. Parent or Guardian and Address
5. Phone number
6. Nature of Offense
7. Date of Offense
8. Disposition
9. Comments (Is this the first offense? Are there contributing family problems?)

Steps which should be taken by Selawik in order to implement the Parent's Committee:

1. The city council should pass an ordinance which establishes the Parent's Committee and authorizes it to work with the Youth Services Officer and the state Superior Court in matters of offenses by minors.
2. The tribal council should authorize the Parent's Committee to work with tribal minors in need of aid. This resolution should be mailed to Maureen Pie, tribal operations officer, of Maneluk. The Selawik Native village may also want to follow alternate procedures outlined in the Code of Federal Regulations for establishing a tribal court under the Indian Child Welfare Act. However, it may be that the Parent's Committee will want to be placed under a regional tribal court as an arm of it for preliminary assessment and disposition measures and not undertake other judicial activities that involve involuntary removal of children or hearings bearing upon custody decisions. This further isolation of the role which the Parent's Committee desires should occur within the region prior to undertaking any formal petition to the Secretary of the Interior.
3. The actual procedure to be followed, documentation to be kept and actual record keeping forms to be used should be worked out in direct negotiation with the Division of Family and Youth Services and the Superior Court.
4. Training of Parent's Committee members should continue in Selawik and in Anchorage until members are comfortable with both procedures.

RESOLUTION 85-\_\_ OF THE  
SELAWIK TRIBAL COUNCIL

EXTENSION OF SELAWIK TRIBAL COUNCIL COURT JURISDICTION TO MATTERS  
UNDER THE INDIAN CHILD WELFARE ACT (25 USC § 1901, et. seq.)

WHEREAS, the Native Village of Selawik (hereinafter "Selawik") is  
and has been an Indian Tribe since time immemorial; and

WHEREAS, Selawik's Tribal Council has through custom and usage  
exercised jurisdiction over its members as a court,  
resolving conflicts and disputes within Selawik since  
time immemorial; and

WHEREAS, Selawik is also an Indian Tribe, organized under the  
Indian Reorganization Act of 1934, as amended, 43 USC  
1601, et. seq.; and

WHEREAS, Selawik is also an Indian Tribe as defined in 25 USC  
§ 1903 (8) and capable of exercising jurisdiction under  
the Indian Child Welfare Act, 25 USC § 1901, et. seq.,  
on behalf of its members; and

WHEREAS, it has come to the attention of the Council that the  
best interests of members of Selawik, particularly  
minors under 18 years of age, would best be served by  
the Council extending its jurisdiction, sitting as a  
Court, to include matters arising under the Indian Child  
Welfare Act, 25 USC § 1901, et. seq.; and where  
necessary, to intervene on behalf of members, in all  
State Court proceedings involving the custody and/or  
adoption of members and their children;

NOW THEREFORE BE IT RESOLVED that the Council extends its juris-  
diction to include matters arising under the Indian  
Child Welfare Act, 25 USC § 1901, et. seq.; and

BE IT FURTHER RESOLVED that the Council designates the Parent's  
Committee of Selawik as the Tribal Court under this  
resolution for purposes of dealing with children in need  
of aid under the Indian Child Welfare Act 25 USC § 1901,  
et. seq., and such other matters as the Council may from  
time to time determine.

CERTIFICATION

The above Resolution was fully translated into the Inuit language to promote a full understanding of its contents.

At a duly-called for meeting of the Council held pursuant to Council rules on \_\_\_\_\_, 1985, with a quorum of Council members present and voting, the above Resolution was adopted by a vote of \_\_\_\_ votes for and \_\_\_\_ votes against.

DATE: May \_\_, 1985

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COUNCIL MEMBER

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COUNCIL MEMBER

Honorable Paul Jones  
Superior Court  
Second Judicial District  
Box 317  
Kotzebue, Alaska 99742

Dear Judge Jones:

The city council of Selawik has appointed a parent's committee to work upon request with Youth Services Officer Ida Hadley in dealing with youth in our village who may have committed delinquent acts. We are prepared to assist in the intake process and to assist in non-judicial intake disposition by providing assistance in the formulation of plans for informal disposition and by supervising programs defined.

We respectfully request that you appoint this same committee as a citizen's advisory board under Children's Rule 31 to serve as a friend of the court in making studies of individual or group cases of anti-social behavior to determine what factors produced the attitudes, conduct and behavior complained of.

The parent's committee is also prepared to offer advice to the court on plans and programs to curb delinquency or dependency of children and to train children in good citizenship.

Finally, we would be pleased to work with you and the Youth Services Officer in the study, development and guidance of appropriate public programs to prevent the existence of factors creating delinquency or conditions of dependency among children.

We believe that in this appointed role, we can assist in dealing with youth problems not only in our own village, but also in the region generally.

Respectfully,



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SELAWIK, ALASKA

RELATING TO MINORS

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF SELAWIK AS FOLLOWS:

SECTIONS:

1. Minors Defined
2. Selawik's Parent's Committee
3. Disposition of Offenses by Minors

Section 1. Minors Defined.

For the purpose of any city ordinance, a minor is any unmarried person less than 18 years of age or any lawfully married person less than 16 years of age who in either case has not been lawfully emancipated by a court or operation of other law (Based on AS 47.10.010 and 25.20.020)

Section 2. Selawik Parent's Committee.

The Selawik Parent's Committee shall be designated as the body prepared to work with the Superior Court and the Youth Services Officer as its agent in the assistance of the above-named officers of state government in preliminary investigation of delinquency offenses, in the formulation and implementation of nonjudicial informal disposition programs and in other matters pertaining to the Juvenile Justice process defined in state law and in the rules of court.

Members of the Committee shall be appointed by the counsel from citizens of Selawik to serve without pay for a period not to exceed one year.

Section 3. Disposition of Offenses by Minors.

(a) No minor may be punished for any violation of a city ordinance except according to the juvenile laws of the state.  
(AS 47.10.010)

(b) Unless the Selawik Parent's Committee in this city has been appointed by the Superior Court or Youth Services Officer to investigate, report and recommend disposition of offenses by minors, all such offenses shall be reported directly to a judge of the nearest Superior Court and Youth Services Officer.  
(AS 47.10.010 and Children's Rule 4)

ORDINANCE NO.

Page 2

(c) If a person (or persons) in this city has been requested by the Youth Services Officer to investigate, report and recommend disposition of offenses by minors, then all such offenses shall be reported to the appointed person or persons. (Children's Rule 4(f))

PASSED AND APPROVED BY THE SELAWIK CITY COUNCIL this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

SIGNED \_\_\_\_\_  
Mayor

ATTEST \_\_\_\_\_  
City Clerk

Amended June 28, 1985

THE SELAWIK JUVENILE INTERVENTION PROJECT

The city and the Indian Reorganization Act Village of Selawik hereby establish a program to assist young people in the village and the Division of Family and Youth Services.

Rationale for the Project

The city council of Selawik has determined that problems among juveniles exist that are not currently being remedied by available legal resources. It seeks to mobilize available village resources in order to:

1. Provide information, assistance and resources to the state Division of Family and Youth Services where Youth Services officials and the state Superior Court desire such information, assistance and resources to be supplied.

2. Deal with youth problems and parenting problems of tribal members which are likely to endanger the health and welfare of children and families even though they are not delinquent acts.

Two procedures will be employed. The first procedure will be employed when matters of delinquent behavior are addressed. The second procedure will be employed when matters of child welfare and non-delinquent behavior are addressed (including status-offenders and such non-offenders as dependents: neglected or abused children).

Alaska State Statute Title 47 Chapter 10 governs Children proceedings along with the Children's rules of the Alaska state

court and defines which children are delinquent minors and which should be treated as children in need of aid. The Division of Family and Youth Services is charged with the intake process which decides whether a child referred to it falls within the purview of AS 47.10.010 as a delinquent child, whether formal or informal action is appropriate, the type of non-judicial Intake disposition which may be appropriate and whether detention or temporary custody is necessary. Formal action involves the filing of a petition by the Youth Services representative in superior court.

If the Youth Services officer finds it to be in the best interest of the minor and the community not to pursue the matter further, the case may be informally diverted and adjudicated under the authority of AS 47.10.020 and Children's Rule 4. This is part of the Preliminary Intake process of Youth Services.

The intake process may result in dismissal, adjustment, referral for services, nojudicial supervision, petition for formal adjudication or waiver.

These decisions are made by the Youth Services officer. If she desires information from the Parent's Committee or help in carrying out one of these alternatives, the Youth Services officer can trigger this help. It is her decision, however, and not that of the parent's committee. She and the superior court in Kotzebue have ultimate legal authority over delinquent behavior and not the Parent's Committee of Selawik.

### Nonjudicial Supervision

At the discretion of the Intake Officer, on behalf of the Court of Jurisdiction, and with consent of the minor and his parents or guardian, the Intake Officer may place the minor under nonjudicial supervision. The Intake Officer shall document the justification for nonjudicial intervention, and the nonjudicial supervision plan. The terms and conditions established under a nonjudicial supervision plan shall:

- a. be voluntary and the plan must be signed by the minor and parent or guardian,
- b. not exceed six months duration and shall have a definite end date,
- c. include a statement that if the minor becomes involved in further delinquent activities or violates the terms of nonjudicial supervision, the charges which resulted in nonjudicial supervision may be used at a later time in a formal Court proceeding,
- d. include restitution and/or community work service requirements if applicable,
- e. not include placement or detention.

As a condition of nonjudicial supervision, the minor and the minor's parents may be referred to other agencies for services.

Non-delinquent behavior that suggests by the terms of Alaska State Statutes that the child is a child in need of aid can be dealt with by the Parent's Committee as the designated arm of the IRA tribe of Selawik according to its inherent authority to deal with domestic relations in matters of the tribe and by the terms

of the Indian Child Welfare Act.

The Parent's Committee, a committee composed of volunteers from many organizations within the community, will be the city's representative in development of this working relationship with the Kotzebue court and Youth Services agent and with the Selawik Tribe.

Members of the parent's committee and their institutional affiliation are as follows:

| Member            | Institutional Affiliation, if any |
|-------------------|-----------------------------------|
| Warren Ramoth     | ASB representative                |
| Nancy Johnston    | Teacher                           |
| Rena Ballot       | Parent High School students       |
| Faye Foster       | Elders' Council                   |
| George Sheldon    | Elementary School parent          |
| Mildred Foster    | Health Aide                       |
| Ralph Ramoth, Sr. | Member                            |
| Rolland Both      | Friends Church minister           |
| Nita Commack      | Parent Elementary/High School     |
| Chuck Johnston    | City Council Representative       |

#### Problems to be Addressed - Delinquent Behavior

As a general matter the problems to be addressed are matters of delinquent behavior under Alaska statutes, that is, violation of state and municipal laws by those persons under 18 and not emancipated. The parent's committee will deal with delinquent behavior only when authorized by the representative of Youth Services or the Superior Court in Kotzebue.

Matters which the parent's committee may address and legal authority for dealing with delinquent behavior (subject to prior authorization by the Youth Services officer or the court) include the following:

- |   | Rules and<br>Statutory Authority  |
|---|---|
| 1. Informal investigation of alleged violation with transmittal of findings to the Youth Services Officer or to the Court.              | AS 47.10.020, Rule 4 of the Children's Rules of the Court (a)(b)(c)(d)(f) |
| 2. Assistance in informal disposition phase of the Youth Services process leading to recommendations related to informal probation.     | same  |
| 3. Assistance in carrying out the informal probationary phase by supervision and development of useful work for the probationer.        | Children's Rule 8(a)  |
| 4. Recommendations as to sentencing alternatives when petition has been filed against the youthful offender.                            | Children's Rules 4(f)<br>Children's Rules 17(b)                           |
| 5. Assistance in carrying out terms of a sentence imposed upon youthful offender by the state court.                                    |   |
| 6. Study of the juvenile justice process as it relates to the city of Selawik with report(s) made to the Superior Court at its request. | Children's Rule 31  |

## Procedure for Dealing with Delinquent Behavior

As a result of the meeting between Don Laird and Ida Hadley of the Division of Youth and Family Services with the City Council of Selawik on May 28, 1985 the steps outlined in the document prepared for the City of Selawik have been amended to allow for several preliminary steps to be taken under the category of informal investigation (Page 5) before the Selawik Parent's Committee assists in either formulation of informal disposition alternatives or supervises their implementation (steps two and three as described in the Selawik Juvenile Intervention Project, page 5). The expanded procedure is described as follows:

1 A. Juvenile has first police contact. In addition to normal procedures in such situations (e.g., notification of parent/guardian), police officer fills out basic contact sheet with copy to secretary of Selawik Parent's Committee. (See appended form.)

1 B. Juvenile has second police contact. In addition to normal procedure in such situations, police officer notified Parent's Committee secretary or Parent's Committee chairperson. Parent's Committee designee and police officer arrange to visit the home of the parent/guardian and child to discuss child's situation and ask if committee help is needed. A face sheet (provided by Mr. Laird) is completed and copy is retained by committee secretary along with copies of police reports from first and second incident.

1 C. A third violation and police contact triggers notice to



the child and parent of a full committee meeting. Description of the notice and procedure occur elsewhere (see Bylaws). The purpose of the meeting is to seek the child's "word" in a written contract that he and his guardian will improve his behavior. A plan for the child to make restitution or engage in community work may occur at this session. If the child does not live up to the agreement, he and his parent/guardian will be told that a copy of the police information card along with the face sheet will be forwarded to Ida Hadley. Where possible, Ida Hadley will be informed of the promises made by telephone in the presence of the child and parent in order to impress the child and parent.

Further, a public notice will be posted which states without further elaboration that X has been placed on curfew restrictions within the city of Selawik.

2-3. Further violation will trigger transmittal of the portfolio of materials collected to Ida Hadley. As stated it is for her to charge the committee with either formulation of the terms of informal probation or implementation of terms of informal probation.

At the time the results of the investigation are reported, the committee will ask Hadley whether it should meet with the child and its parents or guardian to consider what measures could be taken at the village level in order to handle the matter through informal adjustment (2). The results of these meetings should be communicated to Hadley who will either accept them, in whole or in part by "signing off" on them or reject them. If she accepts

the program defined by the committee in collaboration with the child, his parent or guardian, she may authorize the committee to carry it out (3). The committee, in this case, will undertake the necessary supervision, reporting the results to Youth Services Officer Hadley. Should a youthful offender be removed from the village and a petition filed, the committee will be available to offer sentencing alternatives to Youth Services and the court (4) and to assist in carrying out terms of the sentence where village resources are viewed as useful and appropriate (5).

If the Parent's Committee is authorized to assist in the intake assessment process, it must follow state guidelines. Notice to attend the interview shall be given to the minor, his parents, guardian or custodian and other persons having information as to the facts. Notice may be given by letter or telephone and those contacted shall be informed that their attendance is voluntary.

At the beginning of the intake interview, the minor and either available parent(s), guardian or primary caretaker shall be informed of the nature of the complaint, their legal rights and steps in the intake process including purposes, procedures, and possible results.

At the intake interview, prior to questioning the minor about the alleged offense, the minor shall be advised of the right to have retained or appointed counsel at all stages of the proceedings, to remain silent, to have a formal court adjudication hearing or jury trial and to examine any witnesses who may

testify. If the minor is alleged to have committed an act which would be a felony if committed by an adult, the minor shall be advised of the requirement to consult with an attorney or be represented by an attorney during any court hearing. The minor may further be advised that no statement made to the Intake Officer about the referral offense may be used in any adjudicatory or criminal proceedings except for detention hearings and disposition. They should read and sign a statement that they understand their rights. A warning of rights form has been provided as Form A.

Factors which must be considered, if applicable, in making intake decisions are:

1. Whether or not, based on information collected during the intake investigation, there is probable cause to believe that a crime was committed and that the minor committed the offense.
2. Whether there is sufficient, competent and credible evidence to support a formal allegation of delinquency.
3. The nature, number, and seriousness of the offense(s) alleged.
4. The time and place of the offense.
5. Whether the alleged offense(s) is a misdemeanor or a felony.
6. Whether the alleged offense(s) resulted in physical harm or serious threat to anyone.
7. Loss, if any, to property of the victim.
8. The role of the minor in the offense(s) such as whether

the minor acted alone or with companions.

9. The precipitating events and minor's motive.
10. Whether or not the minor was under the influence of alcohol or drugs.
11. The nature and number of prior court or intake contacts and disposition of those contacts.
12. The minor's age, level of maturity, emotional development, and intellectual capacity.
13. The minor's attitude concerning the offense, present circumstances, and willingness or motivation to effect changes in behavior or attitude.
14. The minor's family circumstances, including family stability, relationship with parents and relationships with siblings.
15. The minor's health, both physical and mental.
16. The parents' ability to understand the minor's behavior, to communicate with the minor, to provide appropriate supervision and discipline, and to take necessary action to effect needed changes.
17. Social factors such as the minor's school attendance behavior and achievement; work history; activities; and relationships with peers, including those involved as codefendants.
18. The desires and attitudes of the complainant and/or victim.
19. Availability of appropriate resources and services to meet the needs of the minor and family and the requirements to obtain services through those resources.

20. Any record or indication of physical or sexual abuse of the minor.

Factors which may not be considered are the minor's or parents' race, sex, ethnic background, religion, or economic status.

The kind of information to be supplied to Ida Hadley as part of the Intake Assessment will usually not involve details bearing upon the offense. These matters are included in the police report. Instead the committee may focus on three areas:

1. Basic data - see Form B used by the Division of Family and Youth Services for such information.
2. Social information regarding the home, work and school situation of the child. See Form C for an example of such information.
3. Information useful in deciding whether the child should enter into a restitution contract, community work service agreement, or be referred for help to another social agency for counseling, treatment, etc.

#### Restitution and Community Work Service

Information suggesting that restitution should or can be made should include how the amount of money to be paid was determined, how the money will be earned, a payment plan and who is prepared to supervise the repayment.

Community work service plans should include the kind of work to be performed, the number of hours to be worked and the form of

supervision to be undertaken if the plan is accepted by the child and his parents and by the Intake Officer.

Appended to this plan are model forms used by the Juvenile Intake Officer in Anchorage to lay the basis for a decision to institute a restitution or community work service program.

The final agreement will be in the form of a contract between the child, parent or guardian, the Selawik Parent's Committee and the probation or intake officer. These forms will be appended to the informal probation agreement. See a sample of this agreement form.

It is important to understand that these contracts in delinquency matters and the informal probation agreement must be agreed upon by the Youth Services Officer in Kotzebue.

#### Children in Need of Aid - Indian Child Welfare Act

For matters which do not amount to violations of state or municipal law but are more clearly evidence of parental neglect, or conduct which, if left untreated, will endanger the health and safety of the child, the parent's committee will operate under the authority of the Native village of Selawik as confirmed by the Indian Child Welfare Act. This authority over domestic relations when members of the tribe are concerned allows the parent's committee, as a designated tribal court of Selawik, to investigate and deal with problems characterized by state law as those of children in need of aid. Such problems, as identified by the parent's committee and the village, include chronic offenses which are not serious law violations: truancy, curfew viola-

tions, disrespect of parents, disobedience of parents, school disciplinary problems, parental neglect, smoking of cigarettes. (Note: the assistant district attorney and Youth Services officer may choose to cast some "status violations" such as minor consuming as matters of parental neglect or as evidence of children in need of aid and refer them to the parent's committee for investigation and disposition under this second process. Law violations will otherwise be viewed as matters of delinquent behavior.)

The second procedure will begin with a committee member's visit to the home of the child in need of aid. His or her report to the chairperson of the Parent's Committee will result in a determination by the committee to hold a full meeting or to refer the information to the magistrate or to the Division of Health and Social Services, if the facts suggest a situation of an emergency nature. However, where the first procedure requires systematic reports to and authorization by the Youth Services Officer (or the Superior Court), the second procedure will be independent of state authorization. Collaboration should occur between the parent's committee and the state Division of Health and Social Services when serious instances of parental neglect come to the attention of the committee. Emergency removal procedures available to the Selawik magistrate court should be employed where appropriate (see Children's Rule 2b). This procedure, however, is a tribal procedure and not a state procedure. As such, it will deal with tribal members only. It will be subject to the Indian Civil Rights Act as are all tribal procedures.

When and if the Maneluk region develops a regional tribal court, the Selawik parent's committee may choose to take a subsidiary position to the regional Indian Child Welfare Act court and handle only less serious matters referring others to the regional court.

#### Child Welfare Procedure

1. Problems are referred from a parent, school or other persons. If problems involve alleged violation of state or municipal law, then the Youth Services officer in Kotzebue should be informed. These matters will be handled according to the delinquency (first) procedure unless the Youth Services Officer or the Assistant District Attorney refer them back to the parent's committee as Child Welfare matters.

2. At the first hearing, parents and child are invited to attend, provide information, question accusations and hear information presented. Investigation of the problem will be undertaken. The hearing may be continued until this investigation has taken place. A member of the Parent's Committee or persons designated by the committee may investigate and report back to the committee. Alternatively, the first hearing may result in a warning to the child or a warning with consequences (see below).

#### Second hearing - Investigation and Disposition

The report of the investigator will be made to the committee. Parents and children will be allowed to ask questions of the investigator and to speak on their own behalf. The committee will then deliberate on disposition of the matter. The outcome



may be a warning only or, in the case of chronic or repeated instances of misbehavior that are endangering to the child and others, a warning with limited restrictions. Limited restrictions should not exceed 30 days.

These restrictions may include:

1. Restrictions on participation in recreational activities.
2. Curfew restrictions.
3. Counseling of parents by committee members or other designated persons.
4. Referral of parents and children to social service, alcohol or mental health counselors.
5. Voluntary removal of the child to another residence in the village for short periods (a cooling-off period).
6. Conferral with the Maneluk or state Social Services representative resulting in removal of the child to a home outside the village (upon concurrence of the Maneluk or state Social Services professional).
7. Spanking with parental permission.
8. Restitution by parent or child for damages caused by the child.
9. Supervised work activity in or around the village.

Disposition under the second procedure will often be very similar to that of the first. Contracts between youth, their parents and the committee can be similar to those developed and used in conjunction with informal disposition of youthful offenders under state law.

Third Hearing. In cases of children in need of aid where voluntary compliance by child and parent cannot be obtained or where parent or child have failed to live up to the agreement made with the committee regarding conduct or the restrictions imposed, a hearing will document such matters and alternatively:

1. Refer the matter to outside social service professionals with recommendation that judicial action be taken to remove the child to foster custody or that other action deemed appropriate be taken.

2. Impose long-term restrictions on children. These may include work under supervision of designated village members, long-term restrictions on recreational activity within the village or long-term restrictions on curfew.

#### Parental and Children's Rights

Whether or not the delinquency or child welfare procedure are employed, parents and children have rights under state and federal Indian law which must be communicated to them.

#### Under the delinquency procedure:

1. Parents and children may choose to deal directly with the Youth Services Officer. This is their right. The hearing is voluntary on their part.

2. While a record of these hearings will be kept, it will not be used in any further state hearing except for detention hearings and disposition.

3. Meetings will not be public. Only those directly involved will attend.

4. Parents and children may present information and question evidence presented by other persons. They may call witnesses.

5. Under state law, parents and children have a right to an attorney. If parents or children assert this right in the informal disposition phase, the Youth Services Officer should be informed and the hearing should cease. Normally, the superior court in Kotzebue does not appoint a counsel for juveniles at the informal dispositional phase but the child or parent may have their own attorney.

6. Notice of charges against the child should be available to both child and guardian for appraisal prior to the hearing.

7. Whereas state law provides for appointment of an attorney for indigent persons confronted with charges of delinquent behavior and for appointment of a guardian ad litem for children where their legal position and the parents may diverge, the Indian Child Welfare Act allows parents and children to retain a counsel but does not provide that a tribe must employ one.

In sum, notice, a right to appear and present evidence, a right to question those who present evidence and a right to employ counsel are elements of due process which should be communicated to parents and children in both state delinquency and child welfare proceedings.

However, it is hoped that the village process offers to

children and parents a non-adversarial way to resolve and get help for problems so as to avoid the serious consequences of delinquent proceedings or Social Service intervention.

## WARNING OF RIGHTS

Place \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

## WAIVER

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

1. Do you understand each of the rights I have explained to you?

( ) Yes

( ) No

2. Having these rights in mind, do you wish to talk to us now?

( ) Yes

( ) No

\_\_\_\_\_  
Child\_\_\_\_\_  
Parent/Guardian\_\_\_\_\_  
Parent/Guardian\_\_\_\_\_  
Chairman, Selawik Parent's  
Committee

**DIVISION OF FAMILY AND YOUTH SERVICES  
YOUTH SERVICES FACE SHEET**

Date Completed: \_\_\_\_\_  
By Whom: \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Ct. Order/Date: \_\_\_\_\_

MINOR:

|   |        |            |                 |                   |             |
|---|--------|------------|-----------------|-------------------|-------------|
| Name of client  |        | SSN        |                 | Telephone         |             |
| DOB   |        | POB        |                 | Born to           |             |
| Residence address                                       |        |            | Mailing address |                   |             |
| Adopted by  |        | Date       |                 | Legal custody     |             |
| Living with   |        |            |                 |                   |             |
| Sex   | Race   | Religion   | SSN             | DOB               | Height      |
| Weight  | Build  | Complexion | ID marks        |                   |             |
| Native Land Claims & and Region                         |        |            |                 |                   |             |
| Address changes (if any)                                |        |            | Living with     |                   | Telephone   |
| 1.  |        |            |                 |                   |             |
| 2.  |        |            |                 |                   |             |
| 3.  |        |            |                 |                   |             |
| 4.  |        |            |                 |                   |             |
| <b>SCHOOL INFORMATION:</b>                              |        |            |                 |                   |             |
| School  |        | Grade      |                 | Special Ed.       | Enrolled    |
| 1.  |        | 2.         |                 | Discipline        | Truancy     |
| 3.  |        | 4.         |                 | Suspension        |             |
| <b>PRIMARY FAMILY DATA:</b>                             |        |            |                 |                   |             |
| Name  | Father |            | Step            |                   | Mother      |
| Address   |        | Mailing    |                 | Residence         |             |
| Telephone   |        | Home       |                 | Work              |             |
| Birth Info  |        | DOB        |                 | POB               |             |
| Income/<br>Social Security #                            |        | SSN        |                 | Gross income      |             |
| Employer/Occupation                                     |        |            |                 |                   |             |
| Other income sources<br>AFDC, Retirement, Child Support |        |            |                 |                   |             |
| Siblings  | Age    | DOB        | Relationship    | School/Occupation | Living with |
| 1.  |        |            |                 |                   |             |
| 2.  |        |            |                 |                   |             |
| 3.  |        |            |                 |                   |             |
| 4.  |        |            |                 |                   |             |
| 5.  |        |            |                 |                   |             |
| <b>OTHER FAMILY DATA:</b>                               |        |            |                 |                   |             |
| Name  | Father |            | Step            |                   | Mother      |
| Address   |        | Mailing    |                 | Residence         |             |
| Telephone   |        | Home       |                 | Work              |             |
| Birth Info  |        | DOB        |                 | POB               |             |
| Income/<br>Social Security #                            |        | SSN        |                 | Gross income      |             |
| Employer/Occupation                                     |        |            |                 |                   |             |

**MEDICAL INFORMATION:**

|                               |  |                                      |  |                    |         |
|-------------------------------|--|--------------------------------------|--|--------------------|---------|
| Current Health                |  | Prior medical problems of importance |  | Allergies          |         |
| Date of last medical exam     |  | Current medications and frequency    |  |                    | Classes |
| Family physician              |  | Dentist                              |  | Counselor (if any) |         |
| Medical Insurance co/Medicare |  | Policy #                             |  | Group #            |         |
| Substance use and frequency   |  |                                      |  |                    |         |
| 1. 3.                         |  |                                      |  |                    |         |
| 2. 4.                         |  |                                      |  |                    |         |
| Past therapists               |  |                                      |  |                    |         |

**EMPLOYMENT:**

|               |             |          |            |        |
|---------------|-------------|----------|------------|--------|
| Employer      | Telephone # | How long | Source     | Salary |
| 1.            |             |          |            |        |
| 2.            |             |          |            |        |
| Past employer | Position    | How long | Why ended? |        |

**PLACEMENT HISTORY:**

|              |      |         |
|--------------|------|---------|
| Where placed | When | By whom |
| 1.           |      |         |
| 2.           |      |         |
| 3.           |      |         |

**OTHER FAMILY INFORMATION:**

|                       |         |      |           |       |
|-----------------------|---------|------|-----------|-------|
| Marital Data - Father | To whom | Date | How ended | Where |
|                       |         |      |           |       |
|                       |         |      |           |       |
|                       |         |      |           |       |
|                       |         |      |           |       |
|                       |         |      |           |       |
| Mother                |         |      |           |       |
|                       |         |      |           |       |
|                       |         |      |           |       |
|                       |         |      |           |       |

**GUARDIAN OTHER THAN PARENTS:**

|           |            |      |              |
|-----------|------------|------|--------------|
| Name      | Address    |      | Relationship |
| Telephone | Work       | Home | POB          |
| Employer  | Occupation |      |              |

**OTHER FAMILY MEMBERS WITH LEGAL DIFFICULTIES:**

|  |
|--|
|  |
|--|

**CHECK LIST FOR PREPARATION:**

|                   |              |               |           |         |
|-------------------|--------------|---------------|-----------|---------|
| Ordnance          | Referral     | Medicaid      | Opened    | Closed  |
| Restitution       | Suspended    | Annual Review | Due       | Done    |
| Child Support     | Update       | DO Memo       | Initial   | Renewal |
| Case Plan         | Supplemental | Special Needs | Initial   | Renewal |
| Court Order rec'd | Year done    | PFID          | Year done |         |
| Psycho            |              |               |           |         |

## RECORD OF INTAKE DETERMINATION COMMENTS

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

Parent's or guardian's name \_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_ Lives with other than parent \_\_\_\_\_  
reason: \_\_\_\_\_

1. Home situation. Child's response to parental supervision.
2. Parent's or caretaker's attitude. Stability and plan for child.
3. Child's school or work situation.
4. Child's role in offense attitude towards offense.
5. Restitution.
6. Facts supporting finding that referral offense or alternate offense was not legally sufficient.
7. Facts supporting detention, (if recommended) or emergency placement.

\_\_\_\_\_  
Intake Officer\_\_\_\_\_  
Date



In the matter of

\_\_\_\_\_/

INFORMAL PROBATION AGREEMENT

1. Pursuant to AS 47.10.020 and Children's Rule 4, a Probation Officer appointed as Intake Officer is authorized to adjust this matter informally, without a formal petition being filed if:
  - a. After being advised of their constitutional and legal rights, the parents, guardian or custodian and the child consent to and request Informal Probation and do not contest facts of the case at this time, and
  - b. The Intake office, after preliminary investigation, feels that the Informal Probation would be in the best interest of the child as well as that of the community.
2. This admission of facts on the part of the minor cannot be used in evidence in any formal proceedings.

CONDITIONS OF INFORMAL PROBATION

1. I will at all times observe and obey all city, state and federal laws.
2. I will always seek permission from my parents before I leave the \_\_\_\_\_ area.
3. I will attend school when in session or vocational training and conduct myself in accordance with school policy: or maintain steady employment.
4. I will obey the rules set forth by my parents, guardians or custodians.
5. I will report to the Probation Intake Officer at his direction, \_\_\_\_\_.
6. I will pay restitution in the amount of \$ \_\_\_\_\_.
7. I will be under informal supervision for a period of time not to exceed the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.
8. \_\_\_\_\_.
9. \_\_\_\_\_.

I agree to abide by the Condition of Conduct set forth above which I have read, consider fair, and have the ability to abide by. I understand that if I should deviate from these conditions or fail to abide by these conditions, a formal petition may be filed in this case.

\_\_\_\_\_  
Signature of Minor

\_\_\_\_\_  
Date

I, the undersigned parent, guardian or custodian of the above-named minor, acknowledge that his legal rights, as well as mine, have been defined by the Probation Intake Officer. I understand that Informal Probation has been granted with the condition that should the minor fail to abide by the Conditions of Conduct as set forth above, a formal petition may be filed in this case. I acknowledge the receipt of a copy of the Informal Probation Agreement and agree that, insofar as possible, I will help the minor keep and abide by the conditions contained therein.

\_\_\_\_\_  
Probation Intake Officer

\_\_\_\_\_  
Parent, Guardian, Custodian

\_\_\_\_\_  
Date  
12/84

\_\_\_\_\_  
Parent, Guardian, Custodian